



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,088	12/22/2000	Hiroshi Mizuno	1248-0526P	7003

7590 08/26/2003
BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. Box 747
Falls Church, VA 22040-0747

EXAMINER

LI, SHI K

ART UNIT PAPER NUMBER

2633

DATE MAILED: 08/26/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,088

Applicant(s)

MIZUNO, HIROSHI

Examiner

Shi K. Li

Art Unit

2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2000 and 30 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 3-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Hamilton (U.S. Patent 6,590,682 B1).

Hamilton discloses in FIG. 7 an optical transmission system for bi-direction space communication comprising two infrared-enabled devices. FIG. 7 illustrates polling sequence 44, 46, ..., 58 for adjusting luminous intensity based on a result of detecting the luminous intensity of the previous transmission.

Regarding claim 4, Hamilton adjusts the transmit diode 38 as illustrated in FIG. 4B.

3. Claims 1-2 are rejected under 35 U.S.C. 102(a) as being anticipated by Shimizu et al. (JP Patent Publication 11-112431, provided by Applicant in IDS).

Shimizu et al. discloses in paragraph [0083] the operation of an infrared bi-direction communication system where emission intensity is adjusted based on result of received signal. Error ratio is calculated to determine whether to increase or decrease the emission intensity.

Claim Rejections - 35 USC § 103

Art Unit: 2633

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton (U.S. Patent 6,590,682 B1).

Hamilton has been discussed above in regard to claims 1 and 3-4. The difference between Hamilton and the claimed invention is the application of the device. Hamilton suggests in col. 1, lines 25-31 that devices where the invention is applicable include PDAs, computers, cellular telephones and digital cameras. Computers can be considered as host devices and PDAs can be considered as peripheral devices. One of ordinary skill in the art would have been motivated to apply the power control method of Hamilton to these devices because it prolongs the life time of the batteries which provide energy for these devices to operate. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the power control method of Hamilton to portable host devices and portable peripheral devices because it prolongs the lifetime of the batteries which provide energy for these devices to operate.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Feei (U.S. Patent 5,220,678) discloses a method for adjusting power by varying the power of the transmitter and getting feedback from the other entity.

Art Unit: 2633

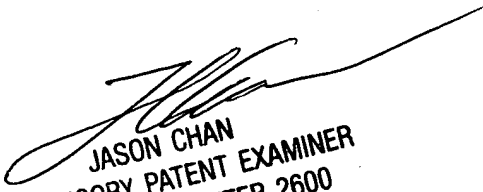
- b. Bruckert et al. (U.S. Patent 5,305,468) discloses a power control method where a received power measure is used to predict a future power level.
- c. Rom (U.S. Patent 5,450,616) discloses a power control method for wireless LAN.
- d. Suzuki et al. (U.S. Patent 5,517,608) discloses a power control method where power level is adjusted based on the presence or absence of a response to messages.
- e. Takamatsu (U.S. Patent 5,822,099) discloses a light communication system where power consumption is minimized by adjust the emission intensity based on the received information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shi K. Li whose telephone number is 703 305-4341. The examiner can normally be reached on Monday-Friday (8:30 a.m. - 5:00 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 703 305-4729. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-3900.

skl


JASON CHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600